

Thursday, July 30, 2015

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; James Harrison; and Don Campbell

ABSENT: None

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.

Eric Greening: speaks.

PLANNING STAFF UPDATES

2. This is the time set for Planning Staff updates.

Ellen Carroll, staff: thanks the Commission for their time coming in today on a third Thursday meeting this month. Updates Commissioners on their near term schedule.

CONSENT AGENDA:

3. June 4, 2015 draft Planning Commission minutes
4. June 11, 2015 draft Planning Commission minutes

Thereafter on Motion by: Eric Meyer, **Second by:** Don Campbell, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			

Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission approves Consent Items 3. and 4.

HEARINGS: (Advertised for 9:00 a.m.)

5. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO for amendments to the Agricultural Element and the Conservation and Open Space Element of the General Plan; and amendments to Title 8 (Health and Sanitation Code), Title 19 (Building and Construction Ordinance), and Title 22 (Land Use Ordinance) of the County Code in order to implement the Water Neutral New Development and the Water Waste Prevention components of the proposed Countywide Water Conservation Program. The proposed Countywide Water Conservation Program and associated amendments would affect water use in both new and existing development, including all urban and rural land uses within the unincorporated areas of the county as well as agricultural operations. The requested amendments would specifically modify: 1) the Agricultural Element of the County General Plan, Agricultural Goal – AG1 (Support County Agricultural Production), Agricultural Policies – AGP10 (Water Conservation) and AGP11 (Agricultural Water Supplies); 2) the Conservation and Open Space Element of the County General Plan, Water Resource Policy – WR 1.7 (Agricultural operations), Water Resource Implementation Strategy - WR 1.7.1 (Protect agricultural water supplies), and Water Resource Policy - WR 1.14 (Avoid net increase in water use); 3) Title 8 (Health and Sanitation Ordinance) of the County Code for the addition of a new Chapter 8.69 – Urban and Rural Development Water Conservation Requirements; 4) Title 19 (Building and Construction Ordinance) of the County Code, Chapter 7 – Plumbing Code, Section 19.07.42 – Water Conservation Provisions; and 5) Title 22 (Land Use Ordinance) of the County Code, Chapter 22.06 – Allowable Land Uses and Permit Requirements by Land Use Category, Section 22.06.030 - Table 2-2, Section 22.06.040 – Exemptions from Land Use Permit Requirements, Chapter 22.30 – Standards for Specific Land Uses for the addition of a new Section 22.30.204 – New or Expanded Crop Production Overlying the Paso Robles Groundwater Basin, Section 22.30.310 – Nursery Specialties, Chapter 22.62 – Permit Approval or Disapproval, Section 22.62.030 – Zoning Clearance, and Chapter 22.80 – Definitions/Glossary, Section 22.80.030 – Definitions of Land Uses, and Specialized Terms and Phrases. This project affects all of the unincorporated portions of the County. Also for consideration is the Final Supplemental Environmental Impact Report (FSEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. (“CEQA”)) for this project. The Final SEIR was prepared as a Supplemental EIR to the previously certified Environmental Impact Report for the Conservation and Open Space Element (COSE) of the County General Plan, which analyzed the potential impacts associated with the adoption and subsequent implementation of the COSE Consolidation and Update. The Final SEIR addresses potential impacts on: Agricultural Resources and Land Use. Mitigation measures are proposed to address these impacts and have been incorporated into the proposed Countywide Water Conservation Program.

County File Number LRP2013-00012

Assessor Parcel Number: All

Supervisory District: All

Date Accepted: N/A

Project Manager: Xzandrea Fowler

Recommend: Board of Supervisors adopt amendments and certify Final SEIR.

Xzandrea Fowler, Project Manager: introduces team, and presents staff report via a Power Point presentation.

Cheryl Cochrain, staff: begins presentation on the Water Neutral New Development part of the program via a Power Point presentation.

Commissioners: begin with questions regarding monitoring retrofits.

Michael Hannebutt, staff: begins his presentation on Water Neutral Development.

Commissioners: discuss the "Sunset" approval process with staff.

Xzandrea Fowler, Project Manager: moves on to the Water Waste Prevention part of the program via a Power Point presentation.

Jennifer Haddau, EIR consultant: presents project Final SEIR alternatives via a Power Point presentation.

Xzandrea Fowler, Project Manager: goes over the Draft CEQA findings and what recommendations there are on this project.

Ken Topping: opens Public Comment

Jerry Reaugh, Gary Kirkland, Greg Grewal (WRAC), Joy Fitzhugh (Farm Bureau), Claire Wineman (Grower Shipper), Jamie Kirk, Laura Mordaunt, Dana Merrill, Patricia Wilmore (Paso Robles Wine Country Alliance), Eric Greening, Bob Brown, Laurie Gage, Sue Luft (Paso Basin Advisory Comm), Jeannette Watson, Bill Pelfrey, and Ted Gilbert: speak

Xzandrea Fowler, Project Manager: addresses Public Comment concerns.

Don Campbell: asks what triggered the need for this Ordinance with Ms. Fowler responding.

Ken Topping: would like to know the status of the UC Extension study as we move forward.

Jim Irving: provides suggested language for Pg 5-18.

Xzandrea Fowler, Project Manager: discusses "Vested Rights" as per subject to this new Ordinance.

Commissioners: begin deliberating the "Vested Rights" issue.

Don Campbell: reads into the record a vested rights quote.

Tim McNulty, County Counsel: clarifies "Vested Rights" term.

Xzandrea Fowler, Project Manager: comments on the Courtesy Notice issue brought forth at Public Comment.

Tim McNulty, County Counsel: comments on pending Quiet Title action brought forth by the Steinbeck family with other plaintiffs, in terms of effect to this ordinance.

Jim Irving: asks if anything in the State mandates metering with Ms. Fowler responding. Suggests language for Pg. 5-17 under Implementation: "these could include but are not limited to the following:"

Eric Meyer: suggests easier clarification of the Paso Robles Sub Basin in terms of the Figure 2-2.

Don Campbell: comments on Pg. 5-19 in terms of water supplies and when the municipalities are included in conservation efforts. Would like to point out the City of Paso Robles is pumping 12 months per year in terms of agricultural use as opposed to residential uses.

Jim Irving: referring Pg. 5-20 Implementation and Time Frame, in terms of proposition of an amendment in Paragraph 2, asks for reasoning for this paragraph with Mr. Hannebutt responding. Contemplates language for water shed yields in terms of what they contribute to the basin and how this resource is captured. Commissioners: agree this language should be included and reflected in a generalized way.

Commissioners: move on to Title 8 revisions.

Tim McNulty, County Counsel: clarifies interpretation of Subdivision C in terms of tying requirements to Title 8 and language "where applicable" and the goal of the provisions being applicable to new well development rather than the modification of an existing well.

Jim Irving: suggests language 'New well'.

Xzandrea Fowler, Project Manager: provides reasoning for Bond requirement.

Eric Meyer: feels if the word "repair" was deleted it would solve this issue with Commissioners deliberating with County Counsel.

Don Campbell: asks how the Grading language addresses this Ordinance with Mr. McNulty stating this language already exists and was carried over to this ordinance.

Jim Irving: referring to Pg. 5-24 8.69.030 in terms of how many times a week watering can be done, 2 or 3.

Xzandrea Fowler, Project Manager: introduces a representative from Environmental Health to come speak.

Commissioners: would like more clarity regarding the language "repair" in terms of permits / modifications and repairs to wells.

Richard Lichtenfels, Environmental Health: provides reasoning and definition to the language.

Commissioners: request definition provided to the language in the ordinance.

Tim McNulty, County Counsel: reads into the record the Title 8 definition of a well.

Eric Meyer: reads into the record suggested language.

Jim Irving: comments that when people are looking to purchase property, often times they would like to drill a test hole for determining if there is water. Suggests "test hole" be included in the definition in terms of an exemption of such and provides reasoning.

Tim McNulty, County Counsel: interprets Comm. Meyer's language in conjunction with Comm. Irving's language suggestion in terms of the wells.

Commissioners: discuss Section C regarding no construction of wells.

Jim Irving: recommends 5:00 pm in reference to Pg. 5-25 8.39.030 Watering of Landscaping. Would like to know if this should be year round with Commissioners and staff deliberating about this.

Commissioner: begin discussing Pg. 5-26, Section 8.69.060 Swimming Pools.

Jim Irving: requests clarification on ponds, recirculation and pumping systems and also asks if you can fill a pool, why can't it be re-filled. Commissioners and staff: deliberate. Confirms there are no prohibitions on new swimming pools. Comments on well tests when purchasing a home in terms of how this is conducted and how the Ordinance would address this, especially in terms of well testing being an allowed use.

Commissioners: work on language on (1) on Pg. 5-29. Begin discussing Offset Clearance process on Pg. 5-30.

Ken Topping: confirms qualifier language to the 1-1 ratio is being deleted.

Jim Irving: referring to Pg. 5-31 B. Would like to know who he has to contact and how much does it cost to have work verified with Ms. Cochrain responding.

Eric Meyer: referring to Termination Clause in terms of the word "adoption" -would like reasoning for this with Ms. Fowler suggesting this be the time to discuss termination language.

Commissioners: discuss the termination language.

Tim McNulty, County Counsel: discusses termination of who and how many plans will evolve in terms of approval and adoption of the process.

Jim Irving: suggests taking out the word "adoption" after word "basin" and provides reasoning, with Commissioners deliberating.

Eric Meyer: reads into the record sunset language in terms of Groundwater Sustainable Agencies (GSAs) plans.

Commissioners: discuss Groundwater Sustainable Agencies (GSAs) regarding the amount of how many there can be and specifying a trigger for sun setting of the ordinance.

Tim McNulty, County Counsel: discusses the Ordinance in terms of GSAs and the unincorporated part of the county.

Commissioners: would like further language to add to the termination section especially where there are singular and multiple agencies with Mr. McNulty responding.

Commissioners work on language for (4) Termination.

Ken Topping: opens Public Comment

Patricia Wilmore, Claire Wineman (Grower Shipper), Bill Pelfrey, Cindy Steinbeck, and Greg Grewal: speak.

Jim Harrison: referring to the EIR Pg 28 in terms of Title 19 requirements to pay into a water conservation fund, asks -does this indicate this deletes 30.90 with Ms. Cochran responding. Negotiations between the Nipomo Community Services District (NCSD) and the County -asks what would happen to determine what fee 3090 would be appropriate.

Jim Irving: discusses "Expanded irrigated row crop production" in terms of adding acreage and changes of irrigation techniques to save water -asks if this is an on-site off set with Mr. Hannebutt responding.

Don Campbell: has concerns with the termination aspects of this ordinance and presents reasoning.

Commissioners: agree the termination time frame should be kept short.

Commissioners: have concerns about several areas of the ordinance that cannot be vetted and seek a possible continuance of the matter. Jim Irving: has no concern for this item being continued so that it can be sent to the Board of Supervisors (BOS) in the best form.

Lynda Auchinachie, Ag. Dept.: addresses how to address new technology as it comes in terms of a decision making body needing to process and approve an application.

Eric Meyer: referring to Pg. 5-33 Water Meter Installation and Reading -confirms the Atascadero sub basin is excluded. Asks about penalties in terms of records loss and the point of the language with Mr. Hannebutt responding and Tim McNulty, County Counsel: explaining.

Commissioners and County Counsel: discuss vested rights in terms of people who are vested under the Urgency Ordinance and how they will be carried forward into this ordinance. Also discuss time extensions for agriculturalists to use for planting in regards to vested rights.

Commissioners: Is there a way to make reference to the existing table in reference to the vesting rights that have not materialized with Ms. Fowler stating this would be most appropriate to be added to the "Exemptions" section and provides reasoning -with Commissioners requesting a review of the language to be crafted.

Ken Topping: explains the probability of a continuance of this item. Begins going through Title 22.

Commissioners: noticing discussed in terms of off set approvals regarding importance and who will be noticed. Suggest Item 7 on Pg. 5-14 should be made an Item H. and provide

reasoning.

Jim Irving: confirms off set clearance time limits are 18 months with time extensions. Asks if there is a table that should reference other tables that reference other crops with Mr. Hannebutt responding. Feels it is important fact that there needs to be other crops.

Lynda Auchinachie, Ag. Dept.: discusses ag off sets in terms of different planting densities. Discusses modeling based on water.

Jim Irving: referring to Pg. 5-50, in regards to other improvements of property. Would like more definition given to "other improvements".

Xzandrea Fowler, Project Manager: discusses diminimus exemptions.

Commissioners Irving and Campbell: make their point in measuring technology in terms of how these variants relate to their issues with the measurement techniques used for references in this ordinance especially in reference to 1-1 offsets.

Commissioners: discuss letter from the Paso Basin Advisory Committee requesting 2.5. acre feet per site in terms of deminimus exemption.

Thereafter on Motion by: Eric Meyer, **Second by:** Ken Topping, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don	x			
Meyer, Eric	x			
Topping, Ken	x			

The Commission agrees to hold the meeting past 5:00 PM.

Commissioners: discuss concerns with the impacts this ordinance will make on people especially in terms of the unintended consequences and therefore provides reasoning for their availability to discuss this issue at another meeting date

Don Campbell: would like a sample re-calculation on modern water use for growing grapes to exclude old data. Is concerned with the 1.7 figure and wants to know what calculations generated this number and would like this re calculated to 1.25 and provides reasoning.

Lynda Auchinachie, Ag. Dept.: clarified calculations used.

Jim Irving: would like to see the City of Paso Robles water pumping numbers.

Xzandrea Fowler, Project Manager: puts exemption language on screen for Commissioners to deliberate.

Thereafter on Motion by: Jim Irving, **Second by:** Eric Meyer, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
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Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

The Commission continues this item to August 13, 2015.

Thereafter on Motion by: Eric Meyer, **Second by:** Don Campbell, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

The Commission accepts all correspondence and testimony entered into the record.

Thereafter on Motion by: Jim Irving, **Second by:** Eric Meyer, and on the following vote:

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	X			
Irving, Jim	X			
Campbell, Don	X			
Meyer, Eric	X			
Topping, Ken	X			

The Commission adjourns to the next regularly scheduled meeting August 13, 2015.

ADJOURNMENT: 5:17 PM

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

Minutes approved at the 10/22/15 Planning Commission meeting.